

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

POLYMER TECHNOLOGY SYSTEMS,  
INC.

Plaintiff,

v.

CIVIL ACTION NO. 1:10-cv-0061 LJM-TAB

ROCHE DIAGNOSTICS CORPORATION,  
ROCHE DIAGNOSTICS GMBH, ROCHE  
DIAGNOSTICS OPERATIONS, INC.,  
ROCHE OPERATIONS LTD

Defendants.

**MOTION TO SEAL COMPLAINT AND  
TO FILE CERTAIN DOCUMENTS UNDER SEAL**

Plaintiff, Polymer Technology Systems, Inc. (“PTS”), by counsel, respectfully moves the Court to seal the Complaint (Docket No. 1), to file under seal PTS’s Response to Roche’s Motion for Enlargement of Time, and to seal certain future filings that contain confidential information as described below. In support of its motion, PTS states as follows:

1. An arbitration claim is currently open before the German Arbitral Tribunal Duetsche Institution (the “Arbitral Tribunal”). The Arbitral Tribunal’s Arbitration Rules contain a confidentiality rule, requiring in relevant part that information “regarding the conduct of arbitral proceedings, and in particular regarding the parties involved, the witnesses, the experts and other evidentiary materials” shall remain confidential. (See **Exhibit A**, Arbitration Rules § 43.1.)

2. Moreover, PTS and Defendants Roche Diagnostics GmbH and Roche Diagnostics Corporation have entered into a confidential License Agreement. The License Agreement contains a confidentiality provision covering the terms and conditions of the License Agreement.

**The Complaint:**

3. PTS's Complaint contains potentially confidential information subject to the Arbitral Tribunal's confidentiality rule and the License Agreement's confidentiality provision. Accordingly, PTS asks the Court to seal the Complaint. PTS attaches as **Exhibit B** to this motion a redacted version of the Complaint to be filed at the time the Court grants this motion to seal.

**PTS's Response to Roche's Motion  
for Initial Enlargement of Time:**

4. On February 10, 2010, Roche filed its Motion for Initial Enlargement of Time. (Docket No. 19.) Roche's motion does not accurately reflect the entirety of the parties' communications regarding Roche's initial enlargement, and PTS accordingly will respond to Roche's motion for enlargement.

5. PTS's proposed response is attached under seal as **Exhibit C**. A redacted version of PTS's response is attached as **Exhibit D**.

6. PTS's response contains confidential information subject to the arbitration's confidentiality rule.

7. Thus, PTS requests that the Court permit PTS to file its response under seal.

**Future Filings Containing Confidential Information:**

8. Finally, PTS anticipates that all parties to this action will be filing documents in this lawsuit that contain information subject to either the arbitration's confidentiality rule or the License Agreement's confidentiality provision.

9. PTS asks that the Court allow such future filings to be under seal without the further necessity to seek leave to do so prior to each such filing.

WHEREFORE, PTS respectfully moves the Court to seal the Complaint and PTS's Response to Roche's Motion for Initial Enlargement of Time. Moreover, PTS respectfully moves the Court to permit future filings containing confidential information to be filed under seal.

Respectfully submitted,

/s/David J. Hensel

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 11, 2010, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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/s/David J. Hensel

David J. Hensel